



CENTRAL INTELLIGENCE AGENCY

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STAT

The Central Intelligence Agency noted with concern and resentment your column of 16 October in the Washington Post in which you suggest to your readers that CIA lied to Congressman Boland, the Chairman of the House Permanent Select Committee on Intelligence, regarding the mining of Nicaraguan harbors. We do have differences with the intelligence oversight committees from time to time and they with us, but we never lie to them.

To keep the record straight, I have enclosed three clips quoting Congressman Boland on the mining episode. He speaks more authoritatively on his knowledge of the mining affair than some anonymous committee member.

Sincerely,

STAT

George V. Lauder
Director, Public Affairs

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NEW YORK TIMES
14 April 1984

House Unit Says Report on Mines Arrived Jan. 31

Asserts Panel Watched Actions in Nicaragua

By PHILIP TAUBMAN

Special to The New York Times

WASHINGTON, April 13 — The House Select Committee on Intelligence was informed about United States involvement in the mining of Nicaraguan ports in late January and it later monitored the operation closely, according to the committee's chairman.

The chairman, Representative Edward P. Boland, Democrat of Massachusetts, said during House debate late Thursday that the Central Intelligence Agency informed the panel about the mining on Jan. 31 after some of the explosive devices had been planted at Puerto Sandino on Nicaragua's Pacific coast.

Reported by Managua on Jan. 3

Although Mr. Boland has been a leading opponent of the C.I.A.'s covert activities in Nicaragua, and his remarks on Thursday were highly critical of the mining, he did not fault the C.I.A. for failing to notify Congress.

His comments added to growing evidence that Congress was informed about the mining by the Reagan Administration well before a flurry of reports last week about the C.I.A.'s role in the operation.

Although most members of Congress were presumably aware that Nicaraguan harbors were being mined — Mr. Boland said the mining was first revealed by the Managua radio on Jan. 3 — the current furor in Congress developed after the extent of direct American involvement was disclosed in news reports last week.

Goldwater Letter

Mr. Boland made his comments during debate about a nonbinding resolution that opposed the use of Federal funds to mine Nicaraguan waters. The House approved the resolution late Thursday by a vote of 281 to 111. Mr. Boland supported the resolution, which was overwhelmingly approved earlier this week by the Senate.

Several members of the Senate Select Committee on Intelligence have accused the C.I.A. of failing to inform the panel about the mining. Earlier this week, the chairman of the Senate committee, Senator Barry M. Goldwater, Republican of Arizona, sent a scathing letter to William J. Casey, the director of Central Intelligence, complaining about the lack of notification.

Senator Daniel Patrick Moynihan, Democrat of New York, the vice chairman of the committee, said earlier this week that he had not seen the report before voting on April 5 in favor of \$21 million in new funding for the covert activities in Nicaragua. Mr. Moynihan said, however, that he had received a "a quick brief before the vote" from Gary J. Schmitt, the committee's minority staff director.

Other committee members, including Senator Patrick J. Leahy, Democrat of Vermont, have said that the committee was informed about the mining.

Mr. Boland, in an apparent reference to the Senate committee, said, "There's been some complaint that some other body was not keeping pace with what was happening." He added: "That's their responsibility. I knew what my responsibility was."

The House and Senate committees, while ostensibly sharing responsibility for overseeing the intelligence community, often concentrate on different issues and frequently disagree about intelligence matters. During the last year, the House committee has twice voted against providing aid to Nicaraguan rebels while the Senate committee has supported the program.

Mr. Boland, according to colleagues, made his remarks on Thursday, in part, to show that the House committee was more attentive to following the C.I.A.'s covert activities. Mr. Boland, according to the colleagues, also thought the C.I.A. was being unfairly blamed for keeping Congress ignorant of the mining.

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Because of his visibility in recent months as a critic of the covert activities, Mr. Boland may also have wanted to show some support for the agency, the colleagues said. Mr. Boland, a moderate Democrat from Springfield, is known in the House as a cautious lawmaker who prefers to avoid confrontations with the C.I.A.

Mr. Boland's description of the C.I.A.'s talks with Congress about the harbor mining generally conformed with accounts given by intelligence officials.

Mr. Boland said that in the first briefing on the mining, on Jan. 31, intelligence officials said the waters off Puerto Sandino had been mined. Apparently pressed by the committee to clarify the mining of a Nicaraguan port, C.I.A. officials, according to Mr. Boland, said Puerto Sandino "was not a harbor, it's an anchorage." Mr. Boland, dismissing the characterization, told the House, "Of course, they're wrong."

'Enough to Warn Other Ships'

The remainder of the mining, which was concentrated at Puerto Sandino and Puerto Corinto, also on the Pacific coast, took place in February, Mr. Boland said.

The House committee held a second briefing about the mining on March 27, Mr. Boland said. "The indication then was that they were mining other harbors and had mined them before that briefing," Mr. Boland said. He said the C.I.A. reported that the mines had "hit some seven ships between the dates of March 7 and March 24."

"What kind of ships?" he asked, answering, "Japanese ships — freighters — loading cotton, Panamanian ships with molasses, a Russian ship with oil, some other, small shipping boats hit by mines, not lethal, but enough to warn other ships coming into those waters that there was a real danger."

Administration officials have said the actual placement of the mines in Nicaraguan territorial waters was handled by a team of Latin American commandos trained by the C.I.A.

Intelligence officials reiterated today that the Senate intelligence committee was notified about the mining in briefings on March 8 and March 13, although they said the subject was not discussed at length. On April 2, they

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NEW YORK TIMES
24 April 1984

Letters

The Job of Congressional C.I.A. Overseers

To the Editor:

The suggestion has been advanced by The Times ["The Real Intelligence Failure," editorial April 18] and by others that, because the House Permanent Select Committee on Intelligence was fully apprised of unilateral C.I.A. activities in the Nicaraguan war, it somehow failed to insist that the Administration better define its aims in that war, failed to maintain high skepticism about such secret operations or failed to simply stop the mining of Nicaraguan harbors.

To all the commentators, I recommend reconsideration and a better memory. I can only assume that they do not read the Congressional Record or their own publications.

The committee sought initially to restrain the secret war in Nicaragua — not because of the absence of Administration goals but because those goals would not lead to an end to con-

lict in Central America. That effort at restraint failed.

For more than a year now, the committee has sought to end the war in Nicaragua. Twice it has brought bills before the House proposing this solution. Twice the House has voted for them. That is not a record of ambiguity or co-optation.

The war in Nicaragua continues. Although the House did not prevail in conference with the Senate, what did emerge was a \$24 million cap on expenditures in this fiscal year. That money will soon be exhausted because the Administration has chosen to accelerate attacks against Nicaragua. The Administration wants an additional \$21 million for the war. The Senate has approved it. When the House votes on this issue, members of the committee will again oppose it.

I disagree with those who appear to believe that the House and Senate Intelligence Committees should hold a press conference every time they hear something with which they disagree.

The intelligence oversight committees are not powerless. They have two principal options for disagreeing with secret Administration policies. They can attempt to persuade the President to change that policy. This method has met with only limited success under two Presidents — Carter and Reagan — but it can work.

The committee also controls the purse strings of the intelligence agencies. It can recommend a cutoff in funding — as it has done in the case of the war in Nicaragua.

Efforts at persuasion and budgetary action need not be limited to the two committees. Neither of them has hesitated to request secret sessions of their respective bodies to inform colleagues of events in Nicaragua.

Further, as in the case of the second Nicaragua vote in the House (Oct. 20, 1983), enough factual information usually can be made public to permit knowledgeable debate. On that occasion, the committee made clear that the seaborne attack on the port of Corinto was a significant escalation of the war — not by discussing who carried it out but by pointing to increased targeting of the Nicaraguan economy.

Recent public discussion about the Nicaraguan mining has rendered moot my intention of seeking a secret session of the House in connection with debate on the Senate's amendment to appropriate an additional \$21

million for the war. When that vote comes, however, I do not believe that the House will assess a failure of oversight by the Permanent Select Committee on Intelligence. I believe both House proponents and opponents of the war have been well informed and advised by the committee on the matter of Nicaragua. Future House consideration of this issue will continue to be informed.

The current debate over the appropriate Congressional role in foreign policy is a serious one, and one that will not soon be resolved. Nonetheless, in the realm of secret foreign policy — covert action — two principles are well established. They stem from a lengthy public debate which culminated in the intelligence oversight statute. They are well accepted because they represent two sides of one coin:

Congress must be informed — in advance — of "significant anticipated intelligence activities" (especially covert action). The price of this advance notice, however, is protection of secret intelligence activities.

These twin principles strike a precarious but so far enduring balance. They require good faith and a spirit of accommodation in both branches of government. Recent hearings before the committee on proposals to tighten Congressional control of covert action — especially paramilitary covert action — convince me that such controls would upset this balance and deny flexibility which the President should have in foreign affairs.

I believe the existing system has come under strain because of the mining issue and that the proper balance needs to be restored, but I also believe that the present oversight system — with continued budgetary action by the Congress — can work and is working. It may not satisfy those who want full disclosure of intelligence matters, nor will it satisfy all critics, but it can serve the country — particularly the foreign policy process — adequately.

(Rep.) EDWARD P. BOLAND
Chairman, Permanent Select
Committee on Intelligence
Washington, April 19, 1984

APPEARED

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WALL STREET JOURNAL
13 April 1984

Letters to the Editor

Newsbreak

It was with bemusement that I read your April 12 editorial, "Anatomy of a Cop-Out," suggesting that news of the mining of Nicaraguan waters first appeared in the Washington Post "a few hours" after the Permanent Select Committee on Intelligence had been briefed by the Administration. The Committee was briefed on the mining on January 31. The first news report of the mining appeared on April 6. Further, the news did not break in the Washington Post but in The Wall Street Journal.

It is inexcusable that editorial writers, who have the luxury of time to check their facts, do not bother to do so. If the Journal editorial staff put as much effort into being accurate and avoiding unfounded innuendo as they seem to put into apologetics for an insupportable policy against Nicaragua, they might soon begin to approach the professionalism of The Journal's reportorial staff.

EDWARD P. BOLAND (D., MASS.)
Chairman, Intelligence Committee
House of Representatives

Washington

(Rep. Boland is correct that the first news that the mining was conducted from a ship controlled by the CIA was reported last Friday by David Rogers of our own Washington bureau. Mr. Rogers' story followed up remarks on the Senate floor, though deleted from the official record, in which Sen. Barry Goldwater mentioned a document indicating that the administration had directly authorized the mining. Our error arose from the complaint of a well respected source that the leaks had come from the House Committee. — Ed.)